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**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**UNITED STATES OF AMERICA**

**3:16-CR-00402-BR**

**v.**

**GOVERNMENT'S SENTENCING  
MEMORANDUM**

**CHRISTOPHER STELLA,**

**Sentencing: March 17, 2017  
at 9:00 a.m.**

**Defendant.**

The United States of America, by and through Billy J. Williams, United States Attorney for the District of Oregon, and Scott E. Bradford, Assistant United States Attorney, submits this sentencing memorandum for the benefit of the Court and the parties in preparation for the sentencing hearing on March 17, 2017, at 9:00 a.m. Consistent with the plea agreement and other documents, the government respectfully requests that this Court impose the sentence recommended by the United States Probation Office.

**STATUS OF THE CASE**

On November 2, 2016, defendant, pursuant to a plea agreement, pleaded guilty to a one-count information in which he was charged with trafficking in a counterfeit drug in violation of 18 U.S.C. § 2320(a)(4). Specifically, defendant was selling counterfeit Viagra, often on

Craigslist, in the District of Oregon between March 2013 and January 2016. The loss associated with his illegal conduct is \$91,071.68.

### **THE PRESENTENCE REPORT**

The presentence report (PSR) appears to have accurately set forth the underlying facts in this case. The PSR also appears to have accurately calculated the applicable advisory sentencing guideline provisions, including defendant's criminal history score of one, resulting in a criminal history category of I, a total offense level of 13, and an advisory guideline range of 12-18 months (Zone C).

### **RESTITUTION**

Regarding restitution, defendant, as part of the plea agreement, agreed to pay \$91,071.68 in restitution pursuant to 18 U.S.C. § 3663A, the Mandatory Victim Restitution Act ("MVRA"). The MVRA makes restitution mandatory for offenses involving fraud or deceit without consideration of a defendant's economic circumstances. 18 U.S.C. § 3663A(a)(1), (a)(2), and (c)(1)(ii); 18 U. S.C. § 3664(f)(1)(A). Restitution includes losses directly resulting from defendant's criminal conduct and includes losses relating to the count of conviction and relevant conduct. *United States v. Andrews*, 600 F.3d 1167, 1170-71 (9th Cir. 2010); *United States v. Bright*, 353 F.3d 1114, 1120-21 (9th Cir. 2004). In this case, the evidence shows, and defendant agrees, that his criminal conduct resulted in a \$91,071.68 loss to the victim named in the PSR. Accordingly, this Court should order defendant to pay \$91,071.68 in restitution.

### **SENTENCING RECOMMENDATION**

The government joins the Probation Office's recommendation of a five-year probationary sentence, including eight months of home detention, the mandatory and standard conditions of probation recommended in the PSR, the \$100 fee assessment, and \$91,071.68 in restitution.

Considering the nature and circumstances of the offense, the history and circumstances of the defendant, and the kinds of sentences available, the recommended sentence is sufficient, but not greater than necessary, to comply with the purposes of sentencing set forth in 18 U.S.C. § 3553(a). This recommendation reflects the seriousness of the offense, promotes respect for the law, provides just punishment for the offense, affords adequate deterrence to criminal conduct, and protects the public from further crimes of the defendant.

### **CONCLUSION**

Based on the foregoing, the plea agreement, and the PSR, the government submits a reasonable sentence for this defendant in this case is five years of probation, including eight months of home detention and the probation officer's recommended conditions of probation. Additionally, the Court should order defendant to pay \$91,071.68 in restitution.

Dated this 8th day of March 2017.

Respectfully submitted,

BILLY J. WILLIAMS  
United States Attorney

s/ Scott E. Bradford  
SCOTT E. BRADFORD, OSB #062824  
Assistant United States Attorney